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19 Attorneys for IN-N-OUT BURGERS, a California Corp.

20 UNITED STATES DISTRICT COURT

21 NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

22 IN-N-OUT BURGERS, a California  
23 Corporation,

24 Plaintiff,

25 v.

26 SAI M. ONG, an individual d/b/a  
27 “IN N OUT SMOG CHECK,” BO  
28 TRAN, an individual d/b/a “IN &  
OUT SMOG CHECK,” PHIL LE,  
an individual d/b/a “IN-N-OUT

Case No. C07 05453 JL

Assigned for all purposes to the  
Honorable James Larson, Dept. F

**NOTICE OF DISMISSAL**

Date: January 30, 2008

Time: 10:00 a.m.

Dept.: F

1 SMOG CHECK," MAN Q. DINH,  
2 an individual d/b/a "IN N OUT  
3 SMOG CHECK,"

4 Defendants.  
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6 **TO THE CLERK OF THE COURT AND ALL PARTIES AND THEIR  
7 ATTORNEYS OF RECORD:**

8 PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure  
9 41(a)(1)(i), plaintiff IN-N-OUT BURGER ("INO BURGER") hereby dismisses the  
10 above-captioned matter against defendants SAI M. ONG, an individual d/b/a "IN N  
11 OUT SMOG CHECK", BO TRAN, an individual d/b/a "IN & OUT SMOG  
12 CHECK", PHI L. LE, an individual d/b/a "IN-N-OUT SMOG CHECK", and MAN  
13 Q. DINH, an individual d/b/a "IN N OUT SMOG CHECK" for state and federal  
14 Trademark Infringement, state, federal, and common law Unfair Competition, and  
15 dilution under California law, without prejudice.

16 PLEASE TAKE FURTHER NOTICE that INO BURGER requests that the  
17 Court take the Initial Case Management Conference, scheduled for January 30,  
18 2008, at 10:30 a.m., off calendar.

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1 Dated: January 25, 2008

2 Respectfully submitted,

3 By: /s/

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16 Attorneys for IN-N-OUT BURGERS

17  
18 February 4, 2008

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